

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/799529 Confirmation No.: 8501
Applicant : Carl Podella
Filing Date : March 11, 2004
Title : ALTERING METABOLISM IN BIOLOGICAL PROCESSES
Group Art Unit : 1636
Examiner : Akhavan, Ramin
Docket No. : 700145.4004
Customer No. : 34313

Commissioner for Patents
Mail Stop Amendment
PO Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. The items are listed on the attached form PTO/SB/08a (PTO-1449). In accordance with the USPTO waiver of the requirement under 37 CFR 1.98(a)(2)(i), only copies of foreign patent documents and non-patent literature are enclosed for the convenience of the Examiner.

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

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INFORMATION DISCLOSURE STATEMENT FILING PROVISION:

☒ This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d); or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.

☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.

☐ This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action on the merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311.

☐ The fee due under 37 CFR § 1.17(p) is submitted herewith.

☐ A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.

☐ This IDS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A statement under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted herewith.

Applicant : Podella
Appl. No. : 10/7798529
Examiner : Akhavan, Ramin
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STATEMENT UNDER 37 CFR § 1.97(e):

- ☐ Each item contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.
- ☐ No item contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.

PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:

- ☐ A check in the amount of _____ is enclosed for the above fee(s).
- ☐ Please charge to Deposit Account No. **15-0665** for the above fee(s).
- ☒ The Commissioner is authorized to charge any fees required by the filing of these papers, and to credit any overpayment to Orrick, Herrington & Sutcliffe's Deposit Account No. **15-0665**.

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: June 8, 2006

By: 

Charles C. Fowler
Reg. No. 39,675

ORRICK, HERRINGTON & SUTCLIFFE LLP
4 Park Plaza, Suite 1600
Irvine, CA 92614
949/567-6700 Telephone
949/567-6710 Facsimile

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Substitute for form 1449A/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Application Number	10/799529
				Filing Date	March 11, 2004
				First Named Inventor	Podella
				Art Unit	1636
				Examiner Name	Akhavan, Ramin
(use as many sheets as necessary)				Attorney Docket Number	700145.4004
Sheet	1	of	1		

U.S. PATENT DOCUMENTS				
Examiner Initials	Cite No. ¹	U.S. Patent Document Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
	AA	2,320,479	6/19/1939	Sperli
	AB	3,404,068	10/1/1968	Battistoni
	AC	3,635,797	1/18/1972	Battistoni, et al.
	AD	5,238,925	8/24/1993	Bentley
	AE	5,356,874	10/18/1994	Bentley
	AF	5,514,591	5/7/1996	Levin
	AG	5,714,169	2/3/1998	Levin
	AH	5,820,758	10/13/1998	Dale, et al.
	AI	5,849,566	12/15/1998	Dale, et al.
	AJ	5,885,950	3/23/1999	Dale, et al.
	AK	5,897,928	4/27/1999	Sanders, et al.
	AL	6,033,875	3/7/2000	Bussineau, et al.

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS				
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		
	BA	"Baker's Yeast Production" (Chap. 6, Pages 261-313)		
	BB	William D. Pandolfe, Ph.D., "Cell Disruption by Homogenization"		
	BC	Donna J. Schlemm, et al. "Medicinal Yeast Extracts" Cell Stress and Chaperones (February 1999, 4 (3), Pages 171-176)		
	BD	J. Peter Bentley, Ph.D., et al. "Peptides From Live Yeast Cell Derivative Stimulate Wound Healing" Arch Surg (May, 1009, Vol. 124, Pages 641-646)		
	BE	Euan W. Low, et al. "Reducing Production of Excess Biomass During Wastewater Treatment" Wat. Res. (Vol. 33, No. 5, pp. 1119-1132, 1999)		
	BF	Euan W. Low, et al. "The Use of Chemical Uncouplers for Reducing Biomass Production During Biodegradation" Wat. Sci. Tech. (Vol. 37, No. 4-5, pp. 399-402, 1998)		
	BG	James B. Russell, et al. "Energetics of Bacterial Growth: Balance of Anabolic and Catabolic Reactions" Microbiological Reviews (March, 1995, pp. 48-62)		

Examiner Signature	Date Considered
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*EXAMINER. Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicants unique citation designation number (optional). ²See kinds of U.S. Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST 3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST 16 if possible. ⁶Applicant is to place a check mark here if English language translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 USC 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you are required to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Commissioner for Patents, Mail Stop Amendment, P.O. Box 1450, Alexandria, VA 22313-1450.